

Special Report



NAMEWARDEN

THE EASY TRADEMARK DOCKETING AND DEFENSE SYSTEM

**4 TRENDS IP
ATTORNEYS
SHOULD
BE WATCHING**



NameWarden.com | info@namewarden.com | @NameWarden

THE FUTURE OF INTELLECTUAL PROPERTY

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Across the board, technology continues to disrupt industries. So naturally it is also driving change in the legal industry. As we all try our best to keep up, here are four trends to watch.

1. Robots in Legal Tech

According to the [Clio Trends Report](#), lawyers spend a great deal of time on tasks that are not billable. In fact, out of a typical workday, Clio's broad-based data dive reckons that lawyers only bill 2.24 hours to clients each day. But Legal Tech is changing the game for lawyers by automating some time consuming administrative tasks so that more time can be spent on billable hours.

Automation tools and Artificial Intelligence are taking the legal world by storm. For IP lawyers, [Name Warden](#) is one example of Artificial Intelligence that leverages massive amounts of data to automate trademark docketing, defense monitoring, and identification of potential clients. Beyond these tools are law robots like Ross the legal researcher.

Ross has had some in the legal industry wondering if robot lawyers will take our jobs in the future. No, they won't. Ross is a next-generation research tool, getting better and better at anticipating what its users are going to want to know before they even ask.

New legal technology and A.I. are definitely worth keeping your eyes on, but robots won't be taking our jobs anytime soon. What this technology does, Name Warden, Ross, and others, is to allow lawyers to focus on more complex, higher-value work. Yay robots!

2. DIY Law Sites

It was bound to happen. DIY law sites like LegalZoom and Legal Sherpa now offer trademark services. That doesn't mean they are going to steal your clients though. We think sites like these are going to encourage IP Lawyers to offer more [flat fee pricing](#) as a way to compete and make billing feel more approachable. DIY helper sites like these and others have taken full advantage of a big blind spot that has afflicted the legal industry for decades.

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Lack of pricing transparency has led cost-conscious clients to seek clarity outside of law firms. Many trademark practitioners have had to explain to a new client why their DIY application is dead, following failure to respond or a complete ignorance of an office action more than six months before.

The lesson for the client: use a lawyer. The lesson for the lawyer: be transparent about fees up front, so those without the money will go elsewhere, and those with an exaggerated fear of the cost will be relieved and hire you. And another one: think about productizing your services where possible. If you can define the scope and set a flat fee, you've just made yourself that much easier to hire.

We can help! The Rise of DIY law sites also means an opportunity for IP lawyers to grab new clients. The Name Warden [Client Finder](#) service finds unrepresented applicants who now have office actions, notices of allowance, or other work to do that they don't understand because they didn't use a lawyer for their initial filing. A great opportunity to swoop in and save the day!

Pay attention to DIY law sites, you might get an idea or two that can make you better market your firm. Here are [Three Things Legal Sites Can Teach Trademark Lawyers](#).

3. Stronger Enforcement of IP Laws

Protecting American IP overseas has been an ongoing and complicated project for decades now. A new presidential administration seems likely to keep pushing that priority. Recently, the Recording Industry Association of America (RIAA), American Society of Composers, Authors and Publishers (ASCAP), Songwriters Guild of America, and other organizations in the recording industry have asked for stronger protection of intellectual property rights related specifically to their industry.

“Search engines, user upload content platforms, hosting companies, and domain name registrars and registries should follow others’ example to effectively stop theft and assure fair payment,” their [letter explains](#). “Surely the world’s most sophisticated technology corporations can do better – by helping to prevent illegal access and paying fair market value for music with prices set by or based on the free market.”

Early in 2017, we know of at least these two enforcement trends. The first is continuing and perhaps increased federal efforts to better enforce U.S. IP rights abroad.

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The second is the entertainment industry's effort to enforce content owners' rights with more help from the major players in the larger digital environment. Will everybody get what they want? Of course not. But if these initiatives continue through the year, we certainly expect to see some adjustments and improvements in the ways in which IP owners and their lawyers are able to enforce their rights.

4. Evolving IP Law

The basic framework of many of our intellectual property statutes was written more than 200 years ago. In many contexts, that age is showing in what economists are calling "The 4th Industrial Revolution." The 4th Industrial Revolution is characterized by "a fusion of technologies that is blurring the lines between the physical, digital, and biological spheres, and by the growth of robotics, artificial intelligence, and the virtual economy."

Updating IP statutes and the regulations that flow from them has not been a big priority for the White House and Congress for many years. Will a White House and Congress under the same party give some focus to the issues? Here's what we do know about the new administration's intentions:

- During his campaign, Donald Trump said he would go after China and others who steal American IP
- Support for improved IP enforcement as a means to stimulate innovation and economic growth is a platform of the Republican Party
- As of January 23rd, President Trump signed an executive action to withdraw from the negotiating process of the Trans-Pacific Partnership. The TPP is a mixed bag, to be sure, and Trump's bailing out of it is generally good for digital rights and the free flow of information, and
- President Trump has decided to keep Michelle Lee as the USPTO Director

So, as for as how this will all translate to actual changes in IP law in 2017, we'll have to wait and see. What we do know is that the new presidential administration views IP enforcement and the protection of American IP owners as critical to the US getting a better deal internationally.

As the economy becomes more virtual, the demand for Intellectual Property representation will increase. These four trends are all being driven by technology. Legal Tech is hot and growing! Pay attention and don't let legacy systems and time consuming administrative tasks keep you from getting a leg up on the competition.